



S T O L L · K E E N O N · O G D E N
P L L C

2000 PNC PLAZA
500 WEST JEFFERSON STREET
LOUISVILLE, KY 40202-2828
MAIN: (502) 333-6000
FAX: (502) 333-6099
www.skofirm.com

DOUGLAS F. BRENT
DIRECT DIAL: 502-568-5734
douglas.brent@skofirm.com

February 9, 2010

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**PUBLIC SERVICE
COMMISSION**

VIA HAND DELIVERY

Jeff DeRouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

Re: *The Petition of T-Mobile Central LLC and PowerTel/Memphis, Inc. for designation as Eligible Telecommunications Carriers pursuant to Section 214(e)(2) of the Communications Act of 1934*
Case No. 2010- 00050

Dear Mr. DeRouen:

Enclosed please find and accept for filing the original and ten copies of T-Mobile Central LLC and Power Tel/Memphis, Inc.'s Petition for Designation as an Eligible Telecommunications Carrier in the above-referenced matter. A copy of the filing is being mailed to each of the local exchange carriers identified on Exhibit A to the Petition.

Please confirm your receipt of this filing by placing the stamp of your Office with the date received on the enclosed additional copies and return them to me in the enclosed self-addressed stamped envelope. Upon assignment of a case number we will file the necessary Out-of-State Certification Request Form with the Kentucky Bar Association and the Commission to enable Ms. Hanly of T-Mobile to practice before the Commission in this matter.

Should you have any questions please contact me at your convenience.

Sincerely yours,

Douglas F. Brent

DFB:ec
Enclosures
cc: Garnet M. Hanly

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COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In re the Matter of:

The Petition of T-Mobile Central LLC and
PowerTel/Memphis, Inc. for designation as Eligible
Telecommunications Carriers pursuant to Section
214(e)(2) of the Communications Act of 1934

CASE NO. 2010-00050

**PETITION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

T-Mobile Central LLC and PowerTel/Memphis, Inc. (collectively, “T-Mobile” or “Company”) hereby submit this Petition to the Kentucky Public Service Commission (“Commission”) for Designation as Eligible Telecommunications Carriers (“ETC”), pursuant to Sections 214(e)(2), 214(e)(6) and 254 of the Communications Act of 1934,¹ for the purpose of receiving federal universal service support, including high cost support, under the federal Universal Service Fund (“FUSF”) limited to the exchanges identified in Exhibit A to this Petition.² As explained herein, the public interest would be served by granting this Petition, thereby enabling T-Mobile to advance universal service by serving the basic and advanced communications needs of consumers in those exchanges identified herein.

I. INTRODUCTION

T-Mobile is a facilities-based wireless telecommunications carrier in Kentucky serving mobile telephone and advanced broadband needs of consumers. As a national provider of wireless voice, messaging and data services T-Mobile is capable of reaching over 200 million Americans. In Kentucky, T-Mobile has deployed hundreds of cell sites. Moreover, T-Mobile

¹ 47 U.S.C. §§ 214(e)(2) and (6) and 47 U.S.C. § 254.
² The map of T-Mobile’s service area is included in Exhibit A.

has made a significant commitment to expanding its footprint and capacity for its network in Kentucky, having filed dozens of cell site applications with the Commission or local authorities since January 1, 2009, some of which are still pending. T-Mobile has also pursued and obtained interconnection agreements with twenty incumbent local exchange carriers throughout Kentucky.³ The Company uses radio licenses issued by the Federal Communications Commission (“FCC”) to provide Commercial Mobile Radio Service (“CMRS”) in its requested designated service area, which includes the wire centers of incumbent local exchange carriers (“ILECs”) identified in Exhibit A. Upon designation as an ETC, T-Mobile will provide the supported services throughout the exchanges in Exhibit A and offer Lifeline service to qualified low-income consumers as required by law, thereby advancing universal service in Kentucky.

T-Mobile’s principal place of business is 12920 SE 38 Street, Bellevue, WA 98006.

Pleadings, orders, notices and other papers filed or served in this matter should be served upon:

Garnet M. Hanly
(notice of KBA admission *pro hac*
vice to be filed)
Sr. Corporate Counsel
T-Mobile
401 9th Street, NW, Suite 550
Washington, D.C. 20004
Phone: 202-654-5908
Fax: 202-654-5963
Garnet.Hanly@T-Mobile.com

Kendrick R. Riggs
Douglas F. Brent
STOLL KENNON OGDEN PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202-2828
Phone: 502-568-5734
Fax: 502-333-6099
douglas.brent@skofirm.com

II. T-MOBILE MEETS THE STATUTORY AND REGULATORY PREREQUISITES FOR ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATIONS.

47 U.S.C. § 254(e) provides that “only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific Federal universal service support.” T-Mobile meets the requirements for designation as an ETC as established under federal law and

³ See http://psc.ky.gov/agencies/psc/reports/intercon_1.html

FCC rules [47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d)] as applied by the Commission. In particular, T-Mobile:

- is a common carrier [*see* 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d)];
- will offer the services supported by federal universal service support mechanisms as defined in 47 C.F.R. § 54.101(a) [*see* 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1)];
- will use its own facilities to provide the supported services [*see* 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1)];
- will provide the supported services throughout its designated service area [*see* 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d)];
- will advertise the availability of its universal service offerings and charges for such offerings using media of general distribution [*see* 47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2)]; and
- will make available Lifeline service to qualifying low-income consumers (47 C.F.R. § 54.405).

T-Mobile's compliance with each of the applicable requirements to obtain certification as an ETC is further discussed below.

A. T-Mobile Is A Common Carrier

T-Mobile provides CMRS throughout its requested designated service area. As a CMRS provider, T-Mobile is regulated under federal law as a common carrier [47 C.F.R. § 20.9], subject to all applicable regulations, and therefore meets the ETC requirement of being a common carrier.

As the Commission has recognized, § 214(e)(2) of the Act provides state commissions with the primary responsibility for performing ETC designations.⁴ For purposes of Kentucky law, T-Mobile is a CMRS provider and is authorized to seek and receive ETC certification from this Commission under the same codified standards the Commission has recognized in granting ETC status to other CMRS providers.⁵

B. T-Mobile's Proposed ETC Service Area

T-Mobile is licensed by the FCC to provide CMRS in the Commonwealth of Kentucky in the #26 Louisville-Lexington-Evansville, #43 Nashville, #44 Knoxville, and #18 Cincinnati-Dayton Major Trading Areas⁶ pursuant to Section 332 of the Act⁷ and other applicable laws.

T-Mobile commits to provide the supported services throughout its designated service area (identified below), consistent with all applicable requirements, including the FCC's ETC service provisioning requirements found in 47 C.F.R. § 54.202. To the extent T-Mobile's network covers a potential customer's premises, T-Mobile will provide service on a timely basis, and, in those instances where a request comes from a potential customer within T-Mobile's licensed service area but outside its existing network coverage, T-Mobile will attempt to provide service within a reasonable period of time by: (1) modifying or replacing the requesting customer's equipment; (2) deploying a roof-mounted antenna or other equipment; (3) adjusting the nearest cell tower; (4) adjusting network or customer facilities; (5) reselling services from another carrier's facilities to provide service; or (6) employing, leasing, or constructing an additional cell site, cell extender, repeater, or other similar equipment. If T-Mobile determines

⁴ See *Petition of West Virginia PCS Alliance for Designation as and Eligible Telecommunications Carrier*, Case No. 2006-00312, Order at 1 (October 24, 2006) (“*West Virginia PCS Designation Order*”).

⁵ See *id.*, n. 3, citing *Petition of NPCR, Inc. d/b/a Nextel Partners for Designation as an Eligible Telecommunications Carrier* (December 16, 2004) (“*Nextel Partners Designation Order*”).

⁶ As defined by the Federal Communications Commission, based on the Rand McNally 1992 Commercial Atlas & Marketing Guide, 123rd Edition, at pages 38-39.

⁷ 47 U.S.C. § 332.

that it cannot reasonably serve a consumer, then it will report the unfulfilled request along with the annual filing required by the Commission's orders in Administrative Case No. 381.

T-Mobile requests that the Commission declare that the "service area" in which T-Mobile is entitled to receive universal service support shall be the exchanges of the ILECs identified on Exhibit A throughout the State of Kentucky within the applicable Major Trading Areas⁸ in which T-Mobile offers wireless service. The 1996 Act defines the term "service area" to be a "geographic area established by a State commission for the purpose of determining universal service obligations and support mechanisms."⁹ As previously indicated, attached to this Application, as Exhibit A, is a list of the exchanges in the State of Kentucky in which T-Mobile seeks ETC status in Kentucky.

C. T-Mobile Offers The Services Supported By Federal Universal Service Support Mechanisms

T-Mobile provides each of eight services supported by federal universal service support mechanisms and will provide toll-limitation service for qualifying low-income consumers upon designation as an ETC as set forth below.

1. Voice Grade Access To The Public Switched Telephone Network – the ability to transmit and receive voice communications with a minimum bandwidth of 300 to 3,500 Hertz [47 C.F.R. § 54.101(a)(1)]. T-Mobile meets this requirement through its provision of mobile voice communications service and interconnection to the public switched telephone network.
2. Local Usage – an amount of minutes of use provided free of charge [47 C.F.R. § 54.101(a)(2)]. T-Mobile meets this requirement by providing an amount of local usage free of charge in each universal service rate plan.
3. Dual Tone Multi-Frequency ("DTMF") Signaling Or Its Functional Equivalent – a method of signaling that facilitates the transportation of call set-up and call detail information [47 C.F.R. § 54.101(a)(3)]. T-Mobile

⁸ As defined by the Federal Communications Commission, based on the Rand McNally 1992 Commercial Atlas & Marketing Guide, 123rd Edition, at pages 38-39.

⁹ 47 U.S.C. § 214(e)(5).

meets this requirement by providing out-of-band digital signaling and in-band multi-frequency signaling for call set-up and termination.

4. Single Party Service Or Its Functional Equivalent – a dedicated message path for the length of a user’s particular transmission [47 C.F.R. § 54.101(a)(4)]. T-Mobile meets this requirement by providing a dedicated, non-shared, frequency path for each voice call.
5. Access To Emergency Services – access to emergency services includes both access to 911 and E911 services to the extent the local government has implemented such services [47 C.F.R. § 54.101(a)(5)]. T-Mobile meets this requirement by providing 911 service and meeting all requests for E911 service from local public service answering points (“PSAPs”).
6. Access To Operator Services – access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call [47 C.F.R. § 54.101(a)(6)]. T-Mobile meets this requirement by providing operator services to its customers directly or through third party arrangements.
7. Access To Interexchange Service – ability to make and receive calls using an interexchange carrier’s network [47 C.F.R. § 54.101(a)(7)]. T-Mobile meets this requirement by providing its customers with the ability to make calls over interexchange network facilities. The FCC has determined that wireless carriers are not required to provide equal access to interexchange service, but may be required to provide equal access in certain special situations.¹⁰
8. Access To Directory Assistance – making available to customers, among other services, information contained in directory listings. T-Mobile meets this requirement by providing all of its customers with access to directory listings by dialing “411” or “555-1212.”
9. Toll Limitation For Qualifying Low-Income Consumers – toll limitation means both toll blocking and toll control, or, if a carrier is not capable of providing both toll blocking and toll control, then toll limitation is defined as either toll blocking or toll control [47 C.F.R. § 54.101(a)(9); 47 C.F.R. § 54.400(d)]. Upon implementing its Lifeline service offering, T-Mobile will offer toll limitation to qualifying low-income consumers at no additional charge.

¹⁰ See In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, 12 FCC Rcd 8776, ¶ 71 (1997) (“*Universal Service Order*”).

D. T-Mobile Will Use Its Own Facilities To Provide The Supported Services

T-Mobile is a facilities-based wireless telecommunications carrier with its own switching, transport, cell sites, and associated telecommunications facilities in its proposed designated ETC service area. While an ETC can meet its universal service obligations by combining its own facilities with the resale of another carrier's services, T-Mobile intends to use its own facilities to meet its universal service obligations. As an ETC, T-Mobile will use universal service support to support and enhance its network facilities in its proposed designated service area.

E. T-Mobile Will Advertise The Availability Of Its Universal Service Offerings And Charges For Such Offerings Using Media Of General Distribution

T-Mobile commits to advertise the availability of, and charges for, the supported services using media of general distribution. T-Mobile currently offers and advertises its wireless telecommunications services, including those offerings that include all of the supported services, using radio, television, billboards, print, internet, and targeted mailings. In addition, T-Mobile maintains various retail stores and authorized agent locations throughout its proposed ETC designated service area. T-Mobile will use some or all of these media outlets to advertise its universal service offerings in a manner consistent with applicable requirements. A sample of T-Mobile's Lifeline advertising is attached hereto as Exhibit B.

F. T-Mobile Will Make Available Lifeline Service To Qualifying Low-Income Consumers

Upon designation as an ETC, T-Mobile will make available to qualified low-income consumers a discounted service offering that meets all applicable Lifeline requirements. Consumers increasingly rely on their mobile phones for all of their communications needs and qualifying low-income consumers are no exception. In fact, low-income consumers have

become increasingly dependent upon wireless service for their communications needs and would be the primary beneficiaries of T-Mobile's Lifeline service offering.

As implemented in other areas where the Company has been designated as an ETC¹¹, T-Mobile's planned Lifeline service offering, which is subject to change, will include:

- a low \$6.49 per month Lifeline rate;¹²
- 145 Whenever minutes[®]¹³, 500 night minutes, and 500 weekend minutes per month.; and
- an affordable handset.

T-Mobile's proposed services will serve to expand and improve the objectives of universal service upon being designated an ETC in the service area defined in this Petition.

G. T-Mobile is Committed to Consumer Protection and Service Quality Standards

Pursuant to 47 C.F.R. § 54.202(a)(3), an ETC applicant is required to demonstrate that it will satisfy applicable consumer protection and service quality standards. T-Mobile is a signatory to the CTIA Consumer Code for Wireless Service ("Consumer Code"), which is the applicable service quality and consumer protection standard for wireless carriers. As a signatory to the Consumer Code, T-Mobile must demonstrate its compliance with CTIA on an annual basis, in order to be authorized to display the CTIA seal of Wireless Quality/Consumer

¹¹ T-Mobile or its affiliated companies have been granted ETC status to serve Puerto Rico and the state of North Carolina.

¹² The \$6.49 per month discounted Lifeline rate is based upon a non-discounted rate of \$19.99 per month minus a \$13.50 Lifeline discount.

¹³ Whenever minutes[®] are minutes that can be used at any time and anywhere on T-Mobile's nationwide network.

Information. CTIA has consistently certified T-Mobile's compliance with the Consumer Code since 2003.¹⁴ Exhibit C is a copy of T-Mobile's annual certification granted July 2009.

As of February 4, 2010, J.D. Power and Associates ("J.D. Power") announced that T-Mobile and Verizon Wireless are in a dead heat for the lead in earning the highest possible ranking in their survey of customer service provided by the major cellular companies in the United States. Verizon Wireless has only a one-point lead over T-Mobile, with the two companies as the only ones to receive a full five star rating for customer care.

T-Mobile, widely acknowledged as one of the industry leaders in providing exemplary customer service, has won the top honor seven out of the last nine years. J.D. Power has previously determined the following specifics about T-Mobile's commitment to its customer base:

- T-Mobile is one of the highest ranked among wireless providers in Overall Customer Care Performance, and is significantly ahead of the industry average.
- In interactions between consumers and customer care representatives, T-Mobile ranked significantly above the industry average.
- T-Mobile has been ranked among the highest in online customer service and walk-in interactions at retail stores.
- T-Mobile scored well above other wireless carriers and the industry average with one of the lowest average hold times.

¹⁴ See CTIA Consumer Code for Wireless Service, available at http://files.ctia.org/pdf/The_Code.pdf. Signatories to the CTIA Consumer Code agree to: (1) disclose rates and terms of service to consumers; (2) make available maps showing where service is generally available; (3) provide contract terms to customers and confirm changes in service; (4) allow a trial period for new service; (5) provide specific disclosures in advertising; (6) separately identify carrier charges from taxes on billing statements; (7) provide customers the right to terminate service for changes to contract terms; (8) provide ready access to customer service; (9) promptly respond to consumer inquiries and complaints received from government agencies; and (10) abide by policies for protection of customer privacy. T-Mobile was certified by CTIA as being compliant with this code on July 10, 2009.

In addition, T-Mobile maintains policies for consumer privacy protections as detailed in Exhibit D – also available at the company’s website (www.t-mobile.com). As part of those policies, T-Mobile does not disclose or provide access to individual customer records to any individual or entity, other than the customer directly, unless such records are required to be disclosed to a governmental agency as required by law. T-Mobile has implemented a system by which individual customer records are safeguarded. T-Mobile has trained its personnel as to when they are, and are not, authorized to disclose individual customer records.

H. T-Mobile offers local usage plans comparable to those offered by the incumbent carrier.

FCC local usage requirements require that T-Mobile offer local usage plans comparable to those offered by the incumbent Local Exchange Carriers and T-Mobile acknowledges that it will do so, pursuant to Section 54.202(a)(4) of the FCC’s rules.¹⁵ Attached as Exhibit E is a list of some of T-Mobile’s currently offered rate plans.

I. T-Mobile acknowledges that it may be required to provide equal access.

In the unlikely event that an incumbent carrier declares bankruptcy, abandons its Kentucky territory, or has its authority to provide basic local exchange service revoked by this Commission, T-Mobile acknowledges that, pursuant to Section 54.202(a)(4) of the FCC’s rules,¹⁶ it would provide equal access to long distance carriers in the event that no other Eligible Telecommunications Carrier is providing equal access within the service area.

J. T-Mobile is able to function in emergency situations.

T-Mobile is a facilities-based wireless telecommunications carrier with its own switching, transport, cell sites, and associated telecommunications facilities in its proposed designated ETC service area. T-Mobile is able to function in emergency situations as set forth in

¹⁵ 47 C.F.R. § 54.202(a)(4).

¹⁶ 47 C.F.R. § 54.202(a)(4).

Section 54.201(a)(2), which requires an ETC to be able to demonstrate that it “has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.”¹⁷ In particular, T-Mobile has the following capabilities to remain functional in emergency situations:

- Availability of fixed and portable back-up power generators at various network locations throughout T-Mobile’s network that can be deployed in emergency situations.
- Ability to reroute traffic around damaged or out-of-service facilities through the deployment of cell-on-wheels (“COWS”), redundant facilities, and dynamic rerouting of traffic over alternate facilities.
- A network control center that monitors network traffic and anticipates traffic spikes, and can then (i) deploy network facilities to accommodate capacity needs, (ii) change call routing translations, and (iii) deploy COWS to temporarily meet traffic needs until more durable solutions, such as additional capacity and antenna towers, can be deployed.
- The majority of sites not equipped with fixed generators have battery back-up systems installed to maintain service in the event of a widespread power outage.

T-Mobile also maintains an extensive Business Continuity Program that consists of a number of professionals responsible for documenting and developing enterprise standards, processes, and policies for all business continuity planning and defines enterprise tools and

¹⁷ 47 C.F.R. § 54.202(a)(2).

methodologies. An overview of T-Mobile's Business Continuity Program is provided as Exhibit F.

K. Avoidance of Consumer Fraud

T-Mobile has specific verification steps in place to prevent consumer fraud. T-Mobile is aware of the concerns that would result if low income Lifeline and Link-Up participants participated in the program both on a wireless and landline basis. T-Mobile will utilize its certification and verification safeguards to ensure that ineligible subscribers are prevented from receiving multiple Link-Up and Lifeline subsidies at the same address in accordance with 47 C.F.R. § 54.411(c).

L. Regulatory Oversight after the Application is Granted

On March 17, 2005, the FCC amended its rules on universal service and adopted new guidelines for evaluating ETC applications filed at the FCC.¹⁸ The FCC's 2005 guidelines in its *ETC Designation Order* do not replace existing public interest tests applied by the Kentucky Commission before the FCC amended its own rules. The FCC was clear in its explanation that the guidelines in the *ETC Designation Order* are to be permissive for state ETC proceedings.¹⁹ The Kentucky Commission has chosen not to promulgate its own rules incorporating the FCC guidelines. Instead, consistent with what the FCC suggested in the *ETC Designation Order*,²⁰ the Commission conformed the guidelines with similar conditions imposed on ETCs previously designated in Kentucky. For example, the Commission required Nextel Partners, which the Commission designated as an ETC in 2004, to "submit records and documentation on an annual basis" detailing progress in meeting build-out plans, customer complaint statistics, and any

¹⁸ *In the Matter of Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, FCC 05-46, 20 FCC Rcd 6371 (2005) ("*ETC Designation Order*").

¹⁹ *Id.*, ¶58.

²⁰ *Id.* ("[W]e encourage states to conform these guidelines with any similar conditions imposed on previously designated ETCs in order to avoid duplicative or inappropriate eligibility criteria and reporting requirements.")

unfulfilled requests for service.²¹ The Commission has imposed identical conditions when granting ETC designation to wireless carriers after the FCC's *ETC Designation Order*.²² Upon designation as an ETC T-Mobile is prepared to make similar compliance filings.

III. DESIGNATION OF T-MOBILE AS AN ETC IS IN THE PUBLIC INTEREST

T-Mobile meets all of the requirements for designation as an ETC by providing the supported services, committing to serve all consumers throughout its designated service area, offering a Lifeline service consistent with all applicable requirements, advertising the availability of its universal service offerings, and furthering the goals of the universal service program. Moreover, designation of T-Mobile as an ETC is in the public interest because consumers will benefit from competitive pricing, new services, a higher level of service quality, and better customer service. Furthermore, the designation will not adversely impact the universal service fund.

A. Benefits of Increased Competition

The benefits of competition are widely recognized and extend to all markets, including the universal service market, as recognized by the FCC:²³

We note that an important goal of the Act is to open local telecommunications markets to competition. Designation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies. We agree with Western Wireless that competition will result not only in the deployment of new facilities and technologies, but will also provide an incentive to the incumbent rural telephone companies to improve their existing network to remain competitive, resulting in improved service to Wyoming consumers [consumers in the proposed ETC service

²¹ *Nextel Partners Designation Order* at 9-10.

²² *E.g., Petition of American Cellular Corp. for Designation as an Eligible Telecommunications Carrier*, Case No. 2005-00130 (August 15, 2005) ("American Cellular Designation Order"); *see also West Virginia PCS Designation Order* at 4.

²³ *In the Matter of the Federal-State Joint Board on Universal Service, Western Wireless Corp. Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, CC Docket No. 96-45, *Memorandum Opinion and Order*, 16 FCC Rcd 48, ¶ 17 (2000).

area]. In addition, we find that the provision of competitive service will facilitate universal service to the benefit of consumers in Wyoming by creating incentives to ensure that quality services are available at “just, reasonable, and affordable rates.

Similarly, this Commission has previously recognized that consumers benefit from having access to competitive carriers, and has identified a variety of consumer benefits that a wireless ETC can provide in rural areas. Among these is the ability of a wireless ETC to provide rural customers access to telecommunications and data services where they do not have access to a wireline telephone.²⁴ This ability includes not only service where wireline service may not be available at all, but also the ability of a mobile customer to use the service. As the Commission recognized in the *American Cellular Designation Order*, the mobility of wireless service will also provide access to [911] emergency services that can mitigate the unique risks of geographic isolation associated with living in rural communities. And when a wireless carrier offers a larger local calling area than wireline carriers it competes with, customers may benefit from fewer toll charges.²⁵

T-Mobile established its ETC Service Area based upon its licensed area and wireless coverage. Accordingly, T-Mobile’s application does not involve intentional “creamskimming” and includes no risk of unintentional creamskimming.²⁶

B. Benefits of T-Mobile’s ETC Designation

Consumers rely on wireless services for their telecommunications needs. T-Mobile’s designation as an ETC will result in consumers having greater access to wireless

²⁴ *American Cellular Designation Order* at 4.

²⁵ *Id.* at 4-5.

²⁶ *See American Cellular*, Case No. 2005-00130, Order on Rehearing at 2 (September 21, 2005).

telecommunications services within the proposed service area, thereby advancing the basic goal of preserving and advancing universal service.²⁷

To accomplish this goal, a competitive universal service framework has been established with consumers benefiting from competing carriers vying for their business based upon price, service offerings, coverage, and service quality. T-Mobile is uniquely positioned, offering consumers the best price and customer service combination in the marketplace. For example, T-Mobile:

- has been consistently rated best in customer service by J.D. Power and Associates as recently as February 2009;
- leads the industry in offering its “Even More” unlimited calling plans; and
- is a leader in the wireless industry by offering consumers discounted early termination fees.

T-Mobile’s designation as an ETC will enable the Company to bring these innovative and competitive services to consumers throughout its designated service area, which will lead to incumbent and other competing carriers expanding their service offerings, service quality, and customer service for the benefit of consumers.²⁸

C. Certification For Use Of Universal Service Funds

T-Mobile certifies that it will use federal high-cost universal service support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, in accordance with 47 U.S.C. § 254(e). T-Mobile’s high-cost certification pursuant to 47 C.F.R. § 54.313(a) is attached hereto as Exhibit G.

²⁷ See 47 U.S.C. § 254(b).

²⁸ Due to the cap on universal service support payments to competitive carriers, T-Mobile’s designation as an ETC will not increase the federal universal service fund. *In the Matter of High Cost Universal Service Support, Federal-State Joint Board on Universal Service*, Order, 23 FCC Rcd 8834 , released May 1, 2008, *aff’d Rural Cellular Ass’n v. F.C.C.*, 588 F. 3d 1095 (D.C. Cir. 2009).

To ensure that T-Mobile's receipt of federal universal service support is effective as of its designation date, it is requested that the Commission provide a supplemental certification for T-Mobile's use of universal service support. The FCC rules expressly provide for the filing of supplemental certifications for new ETC designations.²⁹

IV. CONCLUSION

T-Mobile has demonstrated that it qualifies to provide universal service in the areas requested. T-Mobile's application has also demonstrated its compliance with the various requirements set forth by the Act and this Commission, and accordingly, granting this Petition will be in the public interest by affording customers the opportunity to receive service from an established wireless services provider.

WHEREFORE, T-Mobile respectfully requests that the Kentucky Public Service Commission grant this application and specifically:

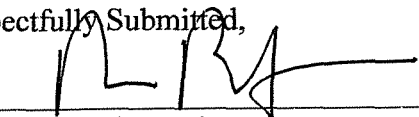
- A. Designate T-Mobile as an eligible telecommunications carrier for purposes of receiving federal universal service support in the State of Kentucky;
- B. Designate each of the ILEC exchanges on Exhibit A as the T-Mobile service area for purposes of determining universal service obligations and support mechanisms;
- C. Direct the Commission's Executive Director to send the appropriate notice of the order designating T-Mobile as an ETC in the Commonwealth of Kentucky for the Exhibit A ILEC exchanges to the Federal Communications Commission and the Universal Service Administrative Company; and
- D. Order such other relief as may be appropriate.

²⁹ 47 C.F.R. § 54.313(d)(3)(vi) and 54.314(d)(6).

Garnet M. Hanly
Sr. Corporate Counsel
T-Mobile
401 9th Street, NW, Suite 550
Washington, D.C. 20004
Phone: 202-654-5908
Fax: 202-654-5963
Garnet.Hanly@T-Mobile.com

Respectfully Submitted,

By:



Kendrick R. Riggs
Douglas F. Brent
STOLL KEENON OGDEN PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202-2828
Phone: 502-568-5734
Fax: 502-333-6099
douglas.brent@skofirm.com

Attorneys For
T-Mobile Central LLC and PowerTel/Memphis, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Petition was served upon the following persons by first class United States mail, postage prepaid, on the 9th day of February, 2010:

Harlon E. Parker
Ballard Rural Telephone Coop. Corp., Inc.
159 W. 2nd Street
P.O. Box 209
La Center, KY 42056-0209

J.D. Tobin, Jr.
Brandenburg Telephone Company, Inc.
200 Telco Road
P.O. Box 599
Brandenburg, KY 40108

Cincinnati Bell Telephone Company
Attn: Director, Government Relations
221 East Fourth Street
P.O. Box 2301
Cincinnati, OH 45201-2301

William W. Magruder
Duo County Telephone Cooperative
Corporation, Inc.
2150 N. Main Street
P.O. Box 80
Jamestown, KY 42628

Greg Hale
Logan Telephone Cooperative, Inc.
10725 Bowling Green Road
P.O. Box 97
Auburn, KY 42206

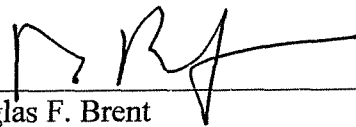
Johnny L. McClanahan
North Central Telephone Cooperative, Inc.
872 Highway 52 By-Pass
P.O. Box 70
Lafayette, TN 37083-0070

Mary Pat Regan
BellSouth Telecommunications, Inc.
601 W. Chestnut Street
Room 408
Louisville, KY 40203

Max Phipps
South Central Rural Telephone Cooperative
Corporation, Inc.
1399 Happy Valley Road
P.O. Box 159
Glasgow, KY 42141-0159

Joe Thompson
West Kentucky Rural Telephone Cooperative
Corporation, Inc.
237 North Eighth Street
P.O. Box 649
Mayfield, KY 42066-0649

Jeanne Shearer
Windstream Kentucky East, LLC
Windstream Kentucky West, LLC
130 West New Circle Road
Suite 170
Lexington, KY 40505



Douglas F. Brent

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In re the Matter of:

The Petition of T-Mobile Central LLC and)
PowerTel/Memphis, Inc. for designation as Eligible)
Telecommunications Carriers pursuant to Section) **CASE NO. 2010-_____**
214(e)(2) of the Communications Act of 1934)
)

**PETITION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

EXHIBITS

- Exhibit A Areas in the State of Kentucky in which T-Mobile seeks ETC status in Kentucky.
- Exhibit B Sample Advertising (Lifeline Notice)
- Exhibit C CTIA's Certification of T-Mobile as compliant with Consumer Code
- Exhibit D T-Mobile Privacy Policy
- Exhibit E T-Mobile's generally available rate plans
- Exhibit F T-Mobile Business Continuity Program Summary
- Exhibit G T-Mobile's high-cost certification pursuant to 47 C.F.R. §§ 54.313(a).

BALLARD RURAL TELEPHONE COOP. CORP., INC.

BNDNKYXA
BRLWKYXA
GAGEKYXA
HETHKYXA
KEVLKYXA
LACTKYXA
WCKLKYXA

BRANDENBURG TELEPHONE CO.

BRBGKYXA
BTTWKYXA
CSTRKYXA
IVTNKYXA
NGRTKYXA
PYVLKYXA
RDCLKYXA
VNGVKYXA

CINCINNATI BELL-KY

ALXNKYAL
BURLKYBN
CRTDKYCT
CVTNKYCN
FLRNKYFL
FTTHKYFT
GLCOKYGC
INDPKYIN
LKPCKYLP
WLTNKYWL
WLTWKYWT
WRSWKYWR

DUO COUNTY TELEPHONE COOPERATIVE, INC.

JMTWKYXA
RSSPKYXA

LOGAN TELEPHONE COOPERATIVE, INC.

AIVLKYXE
AUBNKYXA
DNMRKYXA
LWBGKYXL
ROCHKYXA

NORTH CENTRAL COOP

SCVLKYXR

SO CENTRAL BELL-KY

BDFRKYMA
BGDDKYMA
BLFDKYMA
BNTNKYMA
BRGNKYMA
BRMKNKYMA

BRTWKYES
BVDMKYMA
BWLKGYMA
CADZKYMA
CHPLKYMA
CLH NKYMA
CMBGKYMA
CNCYKYMA
CNTWKYMA
COTNKYMA
CRBNKYMA
CRBOKYMA
CRTNKYMA
CYDNKYMA
CYNTKYMA
DAVLKYMA
DWSPKYES
EDVLKYMA
EKTNKYMA
EMNNKYES
EMNNKYPL
ENSRKYMA
ERTNKYMA
FKLNKYMA
FLT NKYMA
FNV LKYMA
FORDKYMA
FRFTKYES
FRFTKYMA
GBVLKYMA
GHNTKYMA
GNVLKYMA
GRACKYMA
GRTWKYMA
HABTKYMA
HANSKYMA
HBVLKYMA
HDBGKYMA
HNSNKYMA
HPVLKYMA
HRFRKYMA
HRLNKYMA
KKVLKYMA
LBJTKYMA
LGRNKYES
LRBGKYMA
LSVLKY26
LSVLKYAN

LSVLKYAP
LSVLKYBE
LSVLKYBR
LSVLKYCW
LSVLKYFC
LSVLKYHA
LSVLKYJT
LSVLKYO
LSVLKYSH
LSVLKYSL
LSVLKYSM
LSVLKYTS
LSVLKYVS
LSVLKYWE
LVMRYMA
MACEKYMA
MDVIKYMA
MGTWKYMA
MLTNKYMA
MRGPKYMA
MRRYKYMA
MTEDKYMA
MTSTKYMA
MYFDKYMA
NEBOKYMA
NRVLKYMA
OKGVKYES
OWBOKYMA
PARSKYMA
PDCHKYIP
PDCHKYLO
PDCHKYMA
PDCHKYRL
PIVLKYMA
PLRGKYMA
PNTHKYMA
PNVLKYMA
PRBGKYES
PRTNKYES
RBRDKYMA
RCMDKYMA
RLVLKYMA
RSTRKYES
SDVLKYMA
SEBRKYMA
SHVLKYMA
SLGHKYMA
SLPHKYMA

SLVSKYMA
SPFDKYMA
SRGHKYMA
SSVLKYMA
STCHKYMA
STGRKYMA
STNLKYMA
TYVLKYMA
WACOKYMA
WDDYKYMA
WLBGKYMA
WVLKYMA
WNCHKYMA
WSPNKYMA

SOUTH CENTRAL RURAL TELEPHONE COOP. CORP, INC.

BFLOKYXA
CNMRKYXA
CNTRKYXA
CVCYKYXA
EDTNKYXA
FNRNKYXA
GLSGKYXR
GMLLYXA
HRCVKYXA
HSVLKYXA
LUCSKYXA
MFVLKYXA
MGNLKYXA
SMCHKYXA
TMHLKYXA

WEST KENTUCKY RURAL TELEPHONE COOP. CORP., INC.

CNHMKYXA
FNFMKYXA
FRNGKYXA
FRTNKYXA
HAZLYXA
HRDNKYXA
KRKSKYXA
LOWSKYXA
LYGVKYXA
LYVLKYXA
NWCNKYXA
SDLIKYXA
WINGKYXA

WINDSTREAM KENTUCKY EAST, INC. - LEXINGTON

ALBYKYXA
ASLDKYXA
BEREKYXA

BRSDKYXA
BRVLKYXA
BSVLKYXA
BTVLKYXA
CECLKYXA
CLMAKYXA
CMVLKYXA
CTBGKYXA
EWNGKYXA
EZWKYXA
FMBGKYXA
GLSGKYXA
GNBGKYXB
GNUPKYXA
GRSNKYXA
GYSNKYXA
HGVLKYXA
HLBOKYXA
HTVLKYXE
HZRDKYXA
LBNNKYXA
LBRTKYXA
LNCSKYXA
LRTTKYXA
LTFDKYXA
LXTNKYUK
LXTNKYXA
LXTNKYXB
LXTNKYXC
LXTNKYXD
LXTNKYXE
LXTNKYXF
LXTNKYXG
MDWYKYXA
MEDSKYXA
MNTIKYXA
MRHDKYXA
NANCKYXA
NCVLKYXA
OLHLKYXA
OWVLKYXA
PNLCKYXE
RSSLKYXB
SCVLKYXA
SHBGKYXA
SHDNKYXA
SLLCKYXA
SMRTKYXA

T-Mobile USA, Inc.

T-Mobile Kentucky ETC Service Area

January 2010

SSHRKYXA

TLBOKYXA

TMVLKYXA

VICCKYXA

VNBGKYXA

VRSLKYXA

WLMRKYXA

WINDSTREAM KENTUCKY WEST, INC.

MTWSKYXA

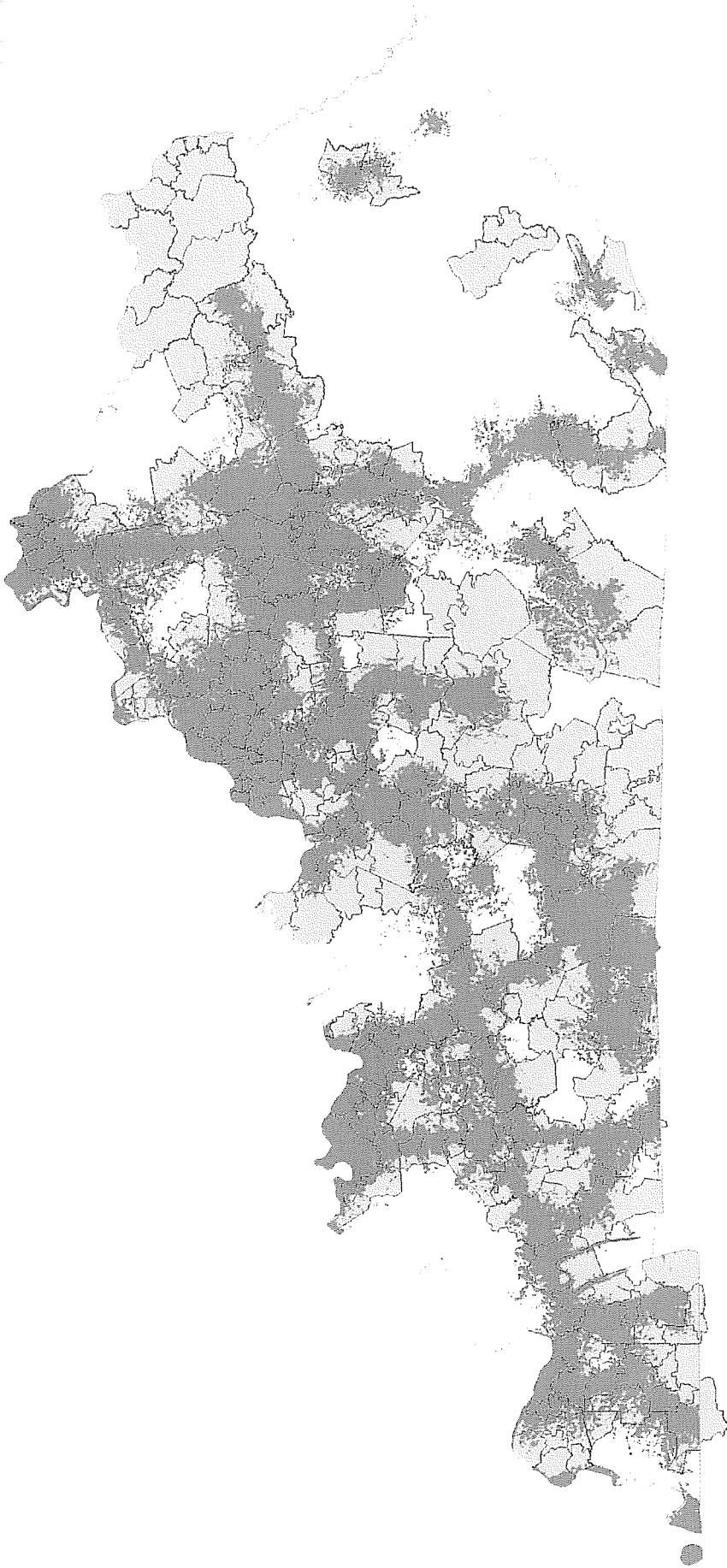
SHPVKYXA

ZNTNKYXA

Kentucky ETC Coverage



F-Mobile



Coverage

ETC Service Area



Lifeline Notice



Check to see if you qualify
for **discounted**
wireless monthly service.



T-Mobile



T-Mobile customers may be eligible to receive **monthly reduced-rate telecommunications service** of \$6.49 per month plus applicable fees and additional services under the Lifeline and Link-Up programs if they satisfy applicable eligibility criteria.

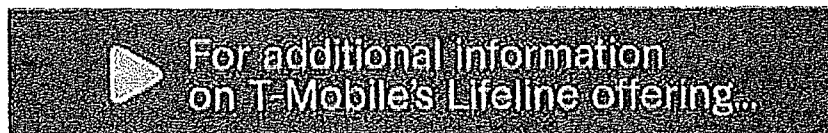
In North Carolina, Lifeline eligibility is determined solely by one of the following agencies:

- **The North Carolina Department of Social Services**
- **Social Security Administration representative at the local SSA**
- **Housing Authority/Section 8 official**

Customers who want Lifeline should contact their case worker at the Department of Social Services, local SSA representative at Social Security or Housing Authority/Section 8 official to qualify for Lifeline and complete a North Carolina Lifeline certification form.

Customers may also go to the North Carolina Department of Social Services web page concerning the programs and how to apply for the discounts.

www.dhhs.state.nc.us/dss/lifeline/index.htm



...call USLifeline directly at 800-866-2453.

You may find more information about Lifeline and other telephone services available from T-Mobile USA, Inc. at t-mobile.com.

T-Mobile offers Lifeline/Link-Up service only in areas where the company has been designated Eligible Telecommunications Carrier status. T-Mobile offers toll blocking/limitation at no charge to qualifying low income customers.

T-Mobile



Steve Largent
President/CEO

July 10, 2009

T-Mobile ETC Application
Exhibit "C"
Page 1 of 4

Ms. Susan Hacker
Director of Legal Affairs &
Associate General Counsel
Sales & Distribution
T-Mobile USA, Inc.
12920 SE 38th Street
Bellevue, WA 98006

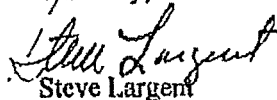
Dear Susan:

Congratulations! This letter is to notify you that T-Mobile USA ("T-Mobile") has completed the recertification process for the CTIA Consumer Code for Wireless Service ("Voluntary Consumer Code") for the period January 1, 2009 – December 31, 2009, and is deemed compliant with the principles, disclosures and practices set forth in the Voluntary Consumer Code. Accordingly, T-Mobile is authorized to use and display the CTIA Seal of Wireless Quality/Consumer Information, subject to the terms and conditions set forth in the attached License Agreement.

Please ensure that the relevant employees of T-Mobile review the License Agreement before using the Seal. Use of the Seal constitutes acceptance of these terms and conditions. Upon request, we will provide two specimens (color and black/white) of the Seal for T-Mobile's use on its website or collateral materials. If you should have any questions concerning the recertification process or use of the Seal, please contact Andrea Williams, CTIA's Vice President of Law and Assistant General Counsel, at (202) 736-3215 or awilliams@ctia.org.

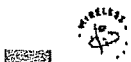
CTIA commends T-Mobile for its ongoing leadership and participation in the CTIA Voluntary Consumer Code, and we look forward to continuing to work with T-Mobile on this important industry initiative.

Sincerely,


Steve Largent

Attachment

cc: Robert Dotson
Dave Miller



SEAL OF WIRELESS QUALITY/CONSUMER INFORMATION

LICENSE AGREEMENT

Company is hereby granted a non-exclusive, world-wide, royalty-free license to use CTIA's Seal of Wireless Quality/Consumer Information ("Seal") to represent that Company voluntarily adopts and follows the *CTIA Consumer Code for Wireless Service* and has certified such to CTIA.

CTIA permits the use of appropriate references to CTIA and the Seal solely in connection with the *CTIA Consumer Code for Wireless Service Program*. References to the Seal shall not be misleading as to the extent of Company's voluntary support and participation in the CTIA Voluntary Code for Consumer Information program. The Seal may appear in Company's advertising, promotional material or other literature to indicate its voluntary and consistent application of the *CTIA Consumer Code for Wireless Service*.

Upon CTIA's acknowledgement of Company's certification, CTIA shall supply Company with a specimen of the Seal. Company shall not modify or alter the Seal without prior written permission from CTIA, and such permission shall not be unreasonably withheld. Company agrees to amend or discontinue the use of the Seal upon written request of CTIA. Company shall immediately cease use of the seal upon receipt of CTIA's written notice to do so.

Company assumes full and complete responsibility for its use of the Seal, and agrees that its use of the Seal constitutes a declaration that Company voluntarily adopts and follows the principles set forth in the *CTIA Consumer Code for Wireless Service*.

Use of the Seal for other purposes than those stated in this License Agreement is an unauthorized use of the Seal and is strictly prohibited.

This license may be renewed annually subject to Company's successful completion of the certification process.

Use of the Seal constitutes acceptance of these legal terms and conditions.



Steve Largent
President/CEO

July 10, 2009

T-Mobile ETC Application
TO Susan Exhibit "C"
Page 3 of 4

Ms. Susan Hacker
Director of Legal Affairs &
Associate General Counsel
Sales & Distribution
T-Mobile USA, Inc.
12920 SE 38th Street
Bellevue, WA 98006

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Sincerely,


Steve Largent

Attachment

cc: Robert Dotson
Dave Miller



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T-Mobile Privacy Policy

Effective: September 30, 2008

T-Mobile USA, Inc. ("T-Mobile") is committed to protecting the privacy and security of your personal information. This Privacy Policy ("Policy") describes the personal information we may collect about you, how we may use it, when we may disclose it, how we safeguard it, and how you may access it and control its use in connection with our marketing communications. The policy also provides other important privacy information and describes when and how we may change this policy and how to contact us with any questions or comments.

COLLECTION, USE, DISCLOSURE, AND SECURITY OF PERSONAL INFORMATION

Personal Information

This policy applies to personally identifiable information ("personal information"), which is information that we directly associate with a specific person or entity (for example, name; addresses; telephone numbers; social security number; call records; wireless device location). Personal information does not include "anonymous" or "aggregate" information -- neither of which are associated with a specific person or entity.

Collection of Personal Information

We collect personal information about you when you use our services or otherwise interact with us. Such information includes:

- **Information you provide.** We collect personal information when you sign up for and use our services, and when you e-mail, call, or otherwise communicate with us. For example, we may collect personal contact, billing, and credit information when you sign up for voice or data services or purchase other products or services. We may also collect personal information when you call or e-mail our customer service representatives, enter information on our Web sites, submit survey responses, pay for service, or submit a job application or résumé. If you provide personal information to us in connection with a co-sponsored Web site, this policy will apply to our use of the information and the co-sponsor's policy will apply to their use of the information.
- **Information automatically collected.** We automatically collect certain information, some of which may be associated with personal information, whenever you use our services or Web sites. For example, our systems capture details about the type and location of wireless device(s) you use, calls and text messages you send and receive, and other data services you use (for example your ringtone purchases). When your computer Web browser or other communication device (including phone, PDA, @Home router, etc.) accesses our Web sites or wireless device pages (T-Mobile wireless Web pages designed for access by wireless device browsers), we automatically receive certain information, such as your IP address, browser type, date and time, and the Web page you visited before visiting our site. Our network also automatically captures necessary routing information when you use our services to access the Internet at a T-Mobile HotSpot or from your wireless device.
- **Information from other sources.** We may also obtain personal information about you from other sources. For example, we may receive credit information from third-party sources before initiating your service or in connection with employment reviews, and we may obtain updated address information from our shippers or other vendors. We may also purchase personal information (for example, e-mail lists, postal mail lists, demographic and marketing data) from others.

Use of Personal Information

We use personal information for a variety of business purposes including for example, to complete transactions and bill for products and services; verify your identity; respond to your requests for service or assistance; anticipate and resolve actual and potential problems with our products and services; create and improve products and services; suggest additional or different products or services; make internal business decisions about current and future offers; provide personalized service and user experiences; and protect our rights and property. If you submit a job application or résumé, we use personal information to communicate with you and, subject to applicable law, evaluate your qualifications for employment. We may also use personal information to contact you about T-Mobile or third-party products, services, and offers that we believe you will find of interest. We may contact you by telephone, postal mail, e-mail, or other methods. You may opt-out of receiving marketing communications from us at any time as outlined below in [Choices Regarding Use of Your Information](#).

Disclosure of Personal Information

We do not sell, rent, or otherwise provide your personal information to unaffiliated third-parties (parties outside the T-Mobile corporate family) to market their services or products to you. We may, however, disclose your personal information to unaffiliated third-parties as follows:

- **With your consent.** We may disclose personal information about you to third-parties with your consent. We may obtain your consent in several ways, such as in writing; online, through "click-through" agreements; orally, including through interactive voice response; or when your consent is part of this policy or the terms and conditions pursuant to which we provide you service. Your consent is sometimes implicit. For example, if you purchase a product and ask that it be shipped to your home, you implicitly consent to our disclosure of your name and address to a third-party shipping company to complete delivery.
- **To the primary account holder.** We may disclose personal information of an account user to the primary account holder (the party financially responsible for the account). If a business, governmental agency, or other individual obtains service for you, that entity or individual is our customer, and we may provide personal information about you or your use of the service to them or others at their direction. When you are the primary account holder, but you receive special or discounted pricing, terms, or other benefits through another party's agreement with us (for example, an employee discount), we may provide enough personal information to that party to verify your initial and continuing eligibility for benefits under their agreement with us and to calculate any associated discounts.
- **Transaction processing.** We may disclose personal information to third-parties who complete transactions or perform services on our behalf (for example, billing, shipping, customer service, and marketing), transactions on your behalf (for example, verification of your account information at your request to some third-party business), or transfers related to your service (for example, number portability). We typically restrict by contract the manner in which these third-parties may use and disclose personal information about you without your consent.
- **Third-party services.** Your personal information may be disclosed when the use of our services allow you to take advantage of services and products offered by other companies. For example, if you are roaming on the network of another carrier, your wireless telephone number, the numbers you dial, and other information about your usage will be available to that carrier to facilitate that service.
- **Business transfers.** We may disclose personal information as part of a corporate business transaction, such as a merger or acquisition, joint venture, corporate reorganization, financing, or sale of company assets, or in the unlikely event of insolvency, bankruptcy, or receivership, in which personal information could be transferred to third-parties as a business asset in the transaction.
- **Legal process & protection of T-Mobile and others.** We may disclose personal information or communications where we believe in good faith such disclosure is necessary to comply with the law or respond to legal process (for example, lawful subpoena, court order, E-9-1-1 information); to enforce or apply agreements, to initiate, render, bill, and collect for services and products; to protect our rights or property; in connection with claims, disputes, or litigation; to protect users of our services and other carriers or providers from fraudulent, abusive, or unlawful use of, or subscription to, such services; to facilitate or verify the appropriate calculation of taxes, fees, or other obligations due to a local, state, or federal government; or if we determine disclosure is necessary in an emergency situation.

Security and Retention of Personal Information

We use a variety of physical, electronic, and procedural safeguards to protect personal information from unauthorized access, use, or disclosure while it is under our control. For instance, when you provide sensitive information (such as credit card numbers) to our Web sites, we use transmission encryption technologies like Secure Socket Layer (SSL). Although we cannot guarantee that loss, misuse, or alteration of your personal information will not occur, we strive to prevent such occurrences.

Our practices and procedures are designed to limit personal information access to those T-Mobile employees and agents with a legitimate need to access such information. T-Mobile employees are bound by confidentiality obligations and our Code of Conduct, which obligate them to protect the confidentiality of our customers' personal information. Violations subject employees to disciplinary action, up to and including termination.

We retain personal information for as long as we have a business need or as applicable laws, regulations, or government orders require. When we dispose of personal information, we use reasonable procedures to erase or render it unreadable (for example, shredding documents and wiping electronic media). We will make reasonable attempts to notify you if we determine that a security breach involving your personal information has occurred and creates a risk of identity theft or service disruption, or as otherwise required by law.

Access and Choice

Access to Your Information

You may access and modify your contact information by visiting my.t-mobile.com or a T-Mobile retail store, or by contacting Customer Service. We will make good faith efforts to resolve requests to correct inaccurate information except where the request is unreasonable, requires disproportionate technical effort or expense, jeopardizes the privacy of others, or would be impractical.

Choices Regarding Use of Your Information

We want to provide you with meaningful choices regarding our marketing communications and you may choose to limit or opt-out of certain communications from T-Mobile at any time. While you may elect not to receive marketing information from us, if you subscribe to our services or buy our products, you will continue to receive invoices, customer-service and transactional notices, and similar communications.

- If you are a T-Mobile customer and you manage your account online, you can change your marketing preferences by logging into your my.t-mobile.com profile;
- If you are a T-Mobile customer but do not manage your account online, you can change your marketing preference by completing our [customer opt-out form](#);
- If you are not a T-Mobile customer and would like to opt-out of marketing communications from T-Mobile, you can do so by completing our [non-customer opt-out form](#); and
- You may also manage your marketing preferences by contacting Customer Service when you dial 611 from your T-Mobile phone or 1-877-463-1304 from any phone, or, with respect to marketing e-mails, by following the "unsubscribe" instructions on any marketing e-mail we send you.

Not all marketing communications you receive on your device are sent or authorized by T-Mobile. When you provide your mobile number or other contact information to others, you may receive unwanted calls, text messages, or e-mails on your device. We take steps to reduce unsolicited advertising, but we cannot block all such advertisements or unwanted communications.

OTHER PRIVACY INFORMATION

Caller ID Blocking

When you use T-Mobile communications services, your name and telephone number may be transmitted and displayed on the receiving party's communications device and/or phone bill unless you block that information, which you can generally do by dialing *67 prior to dialing the called party's number. Refer to the specific instructions for your communication device regarding Caller ID Blocking. Caller ID Blocking does not prevent the display of your information when you dial certain business numbers, including 911, 800 numbers, or toll-free numbers.

Children

We do not solicit children to purchase our services or products. If, however, you authorize a child to use our services or products by providing them a device associated with your T-Mobile account, any personal information associated with such use will be treated as your information in accordance with this policy. Our Web sites are not designed to attract children under the age of 13 and we do not intentionally or knowingly collect personal information on our sites from anyone under the age of 13. We encourage parents to be involved in the online activities (including wireless Internet browsing) of their children to ensure that no information is collected from a child without parental permission. We may offer Web Guard or similar security features designed to allow the customer to implement restrictions to adult oriented content, but such features are not foolproof.

Consumer Code for Wireless Service

We follow the [Consumer Code for Wireless Service](#) established by the Cellular Telecommunications & Internet Association ("CTIA"). As such, we strive to help customers understand their bills, receive quality service, and make informed choices. In particular, as part of the Consumer Code, we conform our information practices under this policy to meet the requirements of applicable federal and state laws and regulations.

Cookies, Web Beacons, and Similar Technologies

We may use cookies (small data text files placed on your computer or device) or similar technologies to identify the computer or device and record your preferences and other data so that our Web sites can personalize your visit(s). We may also use information collected from cookies to improve our sites, make recommendations, and complete transactions you request. You may be able to set your browser(s) to reject cookies or delete cookies, but that may result in the loss of some functionality on our sites. We may also use Web beacons (small graphic images on a Web page or an HTML e-mail) to monitor interaction with our Web sites or e-mails. Web beacons are generally invisible because they are very small (only 1-by-1 pixel) and the same color as the background of the Web page or e-mail message. If we combine or link cookie or Web beacon information with personal information, we will treat the combined or linked information as personal information under this policy. We may employ third-parties to place advertisements about our products and services on other Web sites. The use of cookies, Web beacons, or similar technologies by such third-parties is subject to their privacy policies – not this policy.

Customer Proprietary Network Information (CPNI)

Customer Proprietary Network Information, or "CPNI", is a form of personal information that is generated in connection with the telecommunications services we provide to you. CPNI includes, for example, call details, call location information, and certain information about your rate plans and features. CPNI does not include your name, address, and phone number. Under federal law, you have a right, and we have a duty, to protect the confidentiality of CPNI and we have adopted policies and procedures designed to ensure compliance with those rules. We won't intentionally disclose your CPNI to third-parties without your permission, except as allowed under FCC rules, applicable law, or explained in this policy. However, you may designate other "authorized users" (for example, a spouse) to access and manage your account information, including CPNI.

We provide password protected online access to your account information through my.t-mobile.com. For multi-line accounts, the primary account holder is authorized to access online account information for all the devices on the account. Other users may generally access online account information related only to their respective device (for example, if a parent provides a device to their child, the child may access online information about that device – including CPNI). The primary account holder, however, may designate additional or more limited access rights for other users.

Customer Service Monitoring

We may monitor and record phone calls, e-mails, or other communications between you and our Customer Service representatives or other employees for training and quality assurance purposes and to review specific transaction requests.

Directories

We do not publish directories of our customers' wireless numbers. Nor will we provide or make such numbers available to third-parties for listing in their public directories, without the customer's prior consent.

Forums and Chat Rooms

If you use or link to a public forum, bulletin board, chat room, or social network on or from a T-Mobile Web site, be aware that any personal information you submit can be read, collected, or used by other users of these forums, including to send you unsolicited messages. We are not responsible for access to or use of personal information you choose to submit or share with others.

Location-Based Services

Our network detects your device's approximate location whenever it is turned on (subject to coverage limitations). This location technology makes the routing of wireless communications possible and is also the basis for providing enhanced emergency 9-1-1 service, which permits us to provide your general location to a public safety answering point, emergency medical service provider, or emergency dispatch provider. We may also use this technology to disclose, without a user's consent, the approximate location of a wireless device to a governmental entity or law enforcement authority when we are served with lawful process or reasonably believe there is an emergency involving risk of death or serious physical harm.

With your consent, we may also provide location-based services or provide third-parties access to approximate location information so they may provide such services to you. You should carefully review the specific T-Mobile terms and conditions applicable to your use of location-based services for any special privacy implications or rules. You should also carefully review the privacy policies and other terms of third-parties with whom you have authorized the sharing of your location information, and you should consider the risks involved in disclosing your location information to other people. Where a wireless device user requests that their location information be revealed to other persons (through a T-Mobile application or a third-party application you place on your device), the wireless device user will be provided options for managing when and how such information should be shared (except in the case of certain parental controls or similar services associated with enterprise or multi-line accounts, which may be managed solely by the primary account holder or their designee). T-Mobile follows the CTIA's Best Practices Guidelines for Location-Based Services.

Network Information Storage

Some devices may automatically upload to T-Mobile network servers information you have stored on the device and/or SIM card in order to facilitate specific functions. For instance, some devices back-up your address book. You may choose to disable such uploads but this may affect functionality of the device or your services. Refer to instructions for your device and service for details or contact Customer Service for more information. We may also provide you the ability to upload other information from your device to T-Mobile network servers. For instance, you may have the option to upload pictures, recordings, calendars, tasks, or notes. Uploaded information will not be used by T-Mobile for purposes other than as disclosed in connection with those services, this Privacy Policy, or applicable Terms and Conditions, and will not be shared with third-parties for their use, without your prior consent.

Services and functionality offered through certain devices are provided in conjunction with other entities. As a result, personal information from your devices may be uploaded and stored on their servers. For instance, T-Mobile Sidekick® services are provided in conjunction with Danger, Inc., and personal information from your device is stored on the Danger® servers. Similarly, BlackBerry® service is provided in conjunction with Research In Motion (RIM), and personal information from your device is stored on the BlackBerry Enterprise Servers™. Their specific terms and conditions, terms of use, and privacy policies apply to those services.

Other Governing Terms

This policy does not modify or alter any applicable agreement you have with T-Mobile. For example, our [Terms of Use](#) govern your use of our Web sites. Additionally, if you use our products or use or subscribe to our services, our [T-Mobile Terms and Conditions](#), one or more applicable service agreements, and certain other terms may apply to your use, purchase, or subscription. If this policy conflicts with any portion of those terms and agreements, those terms and agreements govern to the extent of the inconsistency.

Protecting Your Own Personal Information

You play an important role in ensuring the security of personal information, including protecting against unauthorized access to your device. Many devices store information both in the phone and on the SIM card. Therefore, before discarding, trading in, or giving away your device, be sure you remove and retain your SIM card and follow the manufacturer's instructions for deleting personal information or other data on the device. (This can be found in your owner's manual or on the manufacturer's Web site.) If you provide a third-party access to your device, you should understand that personal information will remain on the device and may be accessible, deleted, altered, or transferred to another device or our network servers by the person using the device, and that we will treat that user as you for purposes of this policy.

We encourage you to use passwords to prevent unauthorized access to your device, your online account, and your voicemail. You may also establish an optional password to identify yourself during calls with our Customer Service.

representatives. We recommend that you use unique, non-obvious passwords, that you periodically change your passwords, and that you not share your passwords with others. Notify us immediately if you believe your device has been lost or stolen or if you believe your personal information has been accessed without your consent.

Third-Party Applications for Your Devices

When you install third-party applications (for example, programs, widgets, etc.) on your device, you may give your consent for the third party to access certain information you have stored on your device (for example your contact list). You may also give your consent for the third party to access information stored on T-Mobile's network to facilitate the application's functions (for example, you may consent to third-party access to your location information – see Location Based Services). In either case, the manner in which such third-parties may use, share, or disclose such information is governed by their terms and conditions and their privacy policy – not this policy.

Wireless Communications Security

We cannot guarantee that your communications using our services or devices will be private or secure. Although it is illegal for unauthorized persons to intercept or access your communications or information, such interceptions or access can occur.

POLICY UPDATES AND CONTACT INFORMATION

Changes to This Policy

We may update this policy if we materially change our practices or if legal or regulatory changes require it. If we decide to use or disclose personal information in a way that is materially different from that which was stated in this policy at the time the personal information was collected, we will notify you by posting notice of the change on our Web site's home page for at least 30 days before we implement that change and will give you an opportunity to opt-out of the proposed use or disclosure of previously collected personal information. You should refer to this policy often for the latest information and the effective date of any changes.

How to Contact Us

If you have any questions or comments about this policy or about T-Mobile's privacy practices, please call Customer Service at 611 (from a T-Mobile phone) or 1-877-453-1304 (from any phone) or send an e-mail message to privacy@t-mobile.com. You may also direct your privacy-related comments or questions to the address below.

T-Mobile USA, Inc.
Attn: Principal Privacy Officer
12920 SE 38th Street
Bellevue, Washington 98006

T-Mobile.com: © 2002-2009 T-Mobile USA, Inc.

<http://www.t-mobile.com/company/website/privacypolicy.aspx>



ALL-STATE LEGAL 60022276510 EDS11 RECYCLED

Even More Rate Plans
(Even More Even More Plus)

Rate Plan	Highlights	Total Monthly Charge - Even More*	Total Monthly Charge - Even More Plus**
TALK (Individual)			
500 Talk	500 Whenever Minutes Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$39.99	\$29.99
1000 Talk	1000 Whenever Minutes Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$49.99	\$39.99
Unlimited Talk	Unlimited Whenever Minutes Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$59.99	\$49.99
TALK & TEXT (Individual)			
500 Talk & Text	500 Whenever Minutes Unlimited messaging Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$49.99	\$39.99
100 Talk & Text	1000 Whenever Minutes Unlimited messaging Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$59.99	\$49.99
Unlimited Talk & Text	Unlimited Whenever Minutes Unlimited messaging Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$69.99	\$59.99
TALK, TEXT, & WEB (Individual)			
500 Talk, Text, & Web	500 Whenever Minutes Unlimited messaging Unlimited Web Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$79.99	\$59.99
1000 Talk, Text, & Web	1000 Whenever Minutes Unlimited messaging Unlimited Web Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$89.99	\$69.99
Unlimited Talk, Text & Web	Unlimited Whenever Minutes Unlimited messaging Unlimited Web Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$99.99	\$79.99

Even More Rate Plans
(Even More Even More Plus)

T-Mobile ETC Application
Exhibit "E"
Page 2 of 4

***Even More**

Handset discount available
2 year contract required
Finance handset (up to 4 months)
No overage alerts
No fee to migrate

****Even More Plus**

No subsidized handset pricing
No contract
Finance handset (up to 20 months)
Overage alerts
Fee for migrating

Even More Rate Plans
(Even More Even More Plus)

Rate Plan	Highlights	Total Monthly Charge - Even More'	Total Monthly Charge - Even More Plus**
TALK (Family - 2 lines)			
750 Talk	750 Whenever Minutes Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$59.99	\$49.99
1500 Talk	1500 Whenever Minutes Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$79.99	\$59.99
Unlimited Talk	Unlimited Whenever Minutes Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$99.99	\$79.99
TALK & TEXT (Family - 2 lines)			
750 Talk & Text	750 Whenever Minutes Unlimited messaging Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$79.99	\$69.99
1500 Talk & Text	1500 Whenever Minutes Unlimited messaging Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$99.99	\$79.99
Unlimited Talk & Text	Unlimited Whenever Minutes Unlimited messaging Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$119.99	\$99.99
TALK, TEXT, & WEB (Family - 2 lines)			
750 Talk, Text, & Web	750 Whenever Minutes Unlimited messaging Unlimited Web Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$139.99	\$109.99
1500 Talk, Text, & Web	1500 Whenever Minutes Unlimited messaging Unlimited Web Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$159.99	\$119.99
Unlimited Talk, Text & Web	Unlimited Whenever Minutes Unlimited messaging Unlimited Web Unlimited nights and weekends Unlimited T-Mobile to T-Mobile	\$179.99	\$139.99

Even More Rate Plans
(Even More Even More Plus)

*Same plan details apply as listed on "individual" tab

Additional Lines (maximum of 5 lines allowed on a family plan)	
Add a line and share minutes (only on 750 or 1500 minute plan)	\$5.00
Add a line and share unlimited bucket (only on unlimited plan)	\$40.00

T-Mobile USA Business Continuity Program Summary

T-Mobile USA, Inc. ("T-Mobile") is committed to safeguarding the interests of our customers, employees and stakeholders in the event of an emergency or significant business disruption. As a result T-Mobile has and maintains an enterprise-wide Business Continuity Program designed to provide effective responses to a wide variety of disruptive events. T-Mobile's Business Continuity Program is centralized in its design and decentralized in its implementation, promoting active involvement in the program by all lines of business in all locations.

Primary components of the T-Mobile Business Continuity Program include:

- Enterprise Business Continuity Project Initiation and Oversight
- Risk Evaluation and Controls
- Business Impact Assessment and Analysis
- Business Continuity and Disaster Recovery Strategic Direction
- Crisis Response, Emergency Response, and Operations
- Business Continuity Plan Development, Maintenance, and Exercising
- Awareness and Training Programs
- Public Relations and Crisis Response and Resumption Coordination
- Coordination with External Agencies

A team of certified Business Continuity professionals is responsible for documenting and developing enterprise standards, processes, and policies for all business continuity and disaster recovery needs throughout T-Mobile. This group supports the line of business continuity planning and defines enterprise tools and methodologies. This level of consistency across the lines of business enhances T-Mobile's overall planning and resumption efforts.

T-Mobile also maintains backup and alternate power sources at mission critical locations, and has information processing and telecommunications back-up sites that provide redundancy that is important to protecting key business information and services. Business Continuity Plans are housed in a centralized online repository, accessible to employees in office and remotely through a web browser. Additionally, hard copies of plans are available at multiple sites throughout the enterprise.

The T-Mobile USA Business Continuity Program is designed and maintained to proactively mitigate the risk of threats to T-Mobile's customers, employees, and stakeholders. As such the program is revised and updated as needed to address potential and emerging hazards.

For more information on the T-Mobile Business Continuity Program, please send inquiries to:
business.continuity@t-mobile.com

August, 2009

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In re the Matter of:

The Petition of T-Mobile Central LLC and)	
PowerTel/Memphis, Inc. for designation as)	
Eligible Telecommunications Carriers pursuant to)	CASE NO. 2010-_____
Section 214(e)(2) of the Communications Act of)	
1934)	
)	

**CERTIFICATION ON USE OF HIGH-COST UNIVERSAL SERVICE FUNDS IN
ILEC AREAS PURSUANT TO 47 C.F.R. § 54.314**

I am Harlie Cornett, Vice President of Tax for T-Mobile USA, Inc., which is the parent company of and controls T-Mobile Central LLC and PowerTel/Memphis, Inc., doing business as T-Mobile (hereinafter “T-Mobile”) in this matter. I submit this certification in support of T-Mobile’s petition for designation as an Eligible Telecommunications Carrier pursuant to Section 214(e)(2) of the Communications Act of 1934 (“petition”).

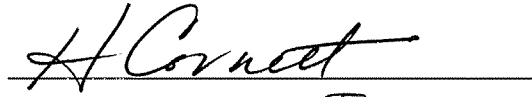
In my capacity as Vice President of Tax for T-Mobile, I have general knowledge regarding its operation of commercial mobile radio services (“CMRS”) in the Commonwealth of Kentucky, and its qualifications and abilities to provide CMRS-based Universal Service consistent with this petition.

T-Mobile will use its **HIGH-COST SUPPORT** only for the provision, maintenance and upgrading of facilities and services within the service area described in Exhibit A to the

referenced petition for which support is intended, consistent with Section 254(e) of the Communications Act, 47 U.S.C. § 254(e).

I am authorized to make this certification on behalf of T-Mobile.

Signed,



Harlie Cornett ~~TSB~~
Vice President, Tax
T-Mobile Central LLC
PowerTel/Memphis, Inc.
12920 SE 38th Street
Bellevue, WA 98006

STATE OF WASHINGTON
COUNTY OF KING

Acknowledged before me this 4th day of February 2010, by Harlie Cornett, as Vice President, Tax of T-Mobile USA, Inc. who is personally known to me or produced identification and who did take an oath.



Notary Public

